

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of the Commission's)
 Rules to Establish New Personal)
 Communications Services)

GEN Docket No. 90-314

**COMMENTS OF QUALCOMM INCORPORATED
 IN SUPPORT OF PETITIONS FOR RECONSIDERATION
 OF MOTOROLA INC. AND THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

QUALCOMM Incorporated ("QUALCOMM"), pursuant to Section 1.429(f) of the Commission's rules, 47 C.F.R. § 1.429(f), hereby submits these comments in support of the Motorola Inc. ("Motorola") and the Telecommunications Industry Association Mobile and Personal Communications Division ("TIA") petitions for reconsideration in the above proceeding. On December 8, 1993, both Motorola and TIA filed petitions seeking reconsideration of the Commission's Second Report and Order in this docket, which order established rules for spectrum allocations and licensing service providers of personal communications services ("PCS").¹ Public notice of the filings appeared in the Federal Register on December 15, 1993.² Although Motorola raises a number of issues in its petition, QUALCOMM limits these supporting comments to Motorola's and TIA's

¹ Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314, Second Report and Order (October 22, 1993) (hereinafter "Second Report and Order").

² Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceeding, 58 Fed. Reg. 65,595 (1993).

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requests that the Commission reconsider its decision not to create a regulatory requirement for equipment manufacturers to adhere to industry-wide standards for PCS.

Background

QUALCOMM has been an active participant in this proceeding, both individually and through the industry coalition PCS Action. QUALCOMM's interest in the final version of these rules is a matter of record before the Commission.

The Second Report and Order contains the regulations governing spectrum allocation and licensing for PCS. Among the various rules addressed in the Second Report and Order, the Commission discussed the adoption of technical standards for PCS systems.³ In this context, the Commission articulated two goals that would guide the consideration of the technical standards issue: (i) to provide maximum flexibility in technical standards and (ii) to allow PCS to develop rapidly and efficiently. Although the Commission noted that the adoption of technical standards would offer some benefits to the PCS industry by promoting roaming and interoperability, the Commission concluded that its goals would be advanced to a greater extent by forbearing from regulating technical standards.⁴

Imposing a Requirement that the PCS Industry Develop Common Air Interface Standards Will Promote the Implementation of PCS

QUALCOMM supports the Motorola and TIA requests that the Commission require conformance to an industry developed common air interface standard or standards. QUALCOMM submits that the rapid acceptance of common standards pursuant to a regulatory requirement mandating such action will foster the early

³ Second Report and Order at ¶ 135-140.

⁴ Id.

implementation of PCS technology. The implementation of technical standards will encourage predictability and interoperability in a manner that will promote consumer acceptance of PCS.

QUALCOMM believes the Commission should look to the development of cellular industry standards as guidance as the Commission reconsiders its PCS rules. One of the main factors promoting the rapid growth of the cellular industry in the United States has been the existence of a single standard, AMPS, used by all carriers in both the A and B bands. The AMPS standard has given the cellular industry a stable platform for growth and provided consumers with equipment that was compatible with every cellular system in the United States.

As the cellular industry has grown and exhausted the initial cellular spectrum allocations, the Commission has permitted the cellular industry to develop new technologies with minimum regulatory oversight. The industry has responded by developing two digital standards: IS-54 and IS-95. IS-54 is a time division multiple access ("TDMA") standard and IS-95 is a code division multiple access ("CDMA") standard. Both of the new standards have been developed by TIA, an American National Standards Institute ("ANSI") accredited body.

The new PCS industry operating at 1800 MHz promises to provide diverse services that may require different standards. For this reason, neither Motorola nor TIA advocated that the Commission mandate the use of a single industry standard. Nor did they suggest that the Commission itself should set any standards. They merely proposed that the Commission require, as a precondition for type-acceptance of licensed PCS

products, that all equipment adhere to a standard developed by an ANSI accredited body such as TIA.

As Motorola noted in its petition, the T1 and TIA have already formed a Joint Technical Committee ("JTC") to develop standards for PCS. More than 16 proposals have been submitted to the JTC, including a proposed CDMA standard submitted by QUALCOMM and Motorola. Others have submitted proposed TDMA standards. This ongoing process will very likely result in the PCS industry having a variety of standards to choose from as this new technology develops. The marketplace will decide which standards will survive.

QUALCOMM recognizes there may be some concern that these standards may not be ready soon enough. Such concerns are unfounded. It took just slightly longer than one year for TIA to develop IS-95, the digital cellular standard based on QUALCOMM's CDMA technology. Because the industry has already started work on PCS standards and because many of the proposals submitted are based on work already done in other standards committees, QUALCOMM believes that new PCS standards will be available even sooner than Motorola's and TIA's late 1994 prediction. QUALCOMM believes that it is possible to have interim standards⁵ for PCS available by the summer.

QUALCOMM also agrees with Motorola's suggestion that a total lack of U.S. government involvement in the standards setting process will continue to act as a deterrent to the acceptance of U.S. technology in the global market. It is not necessary for the government to control or even participate in the standards setting process in order to

⁵ TIA issues interim standards such as IS-95. QUALCOMM wants the Commission to recognize this type of standard.

give official recognition to U.S. developed standards. The minimal regulatory involvement suggested by Motorola and TIA would be sufficient recognition to aid in the world-wide acceptance of U.S. technology.

Conclusion

Based on the foregoing, QUALCOMM requests that the Commission grant both the Motorola and the TIA petitions for reconsideration and require adherence to air interface standards developed by an ANSI accredited board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Albert Shuldiner", with a long horizontal flourish extending to the right.

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Dated: December 30, 1993

CERTIFICATE OF SERVICE

I, Albert Shuldiner, hereby certify that a copy of the foregoing comments of QUALCOMM Incorporated were served by first class mail, postage prepaid this 30th day of December, 1993 on the following:

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